

3.4 WETLANDS AND WATERS OF THE UNITED STATES

This section describes the existing wetlands and waters of the United States within the project study area. The information in this section is based on the *SR-22/West Orange County Connection NES* (December 2000) and the *Reduced Build Alternative NES Addendum* (December 2000). For a more detailed analysis, these documents are available at Caltrans and OCTA under a separate cover.

3.4.1 Definitions

“Waters of the United States” are defined under Section 404 of the U.S. Clean Water Act as follows:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce (for recreation, fishing, shellfish, industry, migratory bird habitat, endangered species habitat, irrigation of crops, et al.), including all waters which are subject to the ebb and flow of the tide
- All interstate waters, including interstate wetlands
- Wetlands adjacent to waters of the United States

Waters of the United States, as defined under Section 404 of the Clean Water Act, include wetlands and other aquatic sites. Wetlands are defined by the Corps as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.”

Jurisdictional wetlands were determined based on the presence of wetland vegetation, wetland hydrology, and wetland soil characteristics, consistent with the Corps’ *Wetlands Delineation Manual* (USACOE, 1987). All three characteristics must be present in order for an area to be considered a wetland.

3.4.2 Regulations

A. CLEAN WATER ACT

The objective of the Clean Water Act of 1977 is to restore and maintain the chemical, physical, and biological integrity of the nation’s waters. Section 404 of the Act regulates the “discharge of dredged or fill material” into waters of the United States (33 U.S.C. 1344). This generally includes any waterway, intermittent stream, man-made wetland, or reservoir. Projects that include physical modification of a “water of the United States” must generally comply with Section 404 under the jurisdiction of the Corps. Impacts on streambeds are calculated in terms of the area that would be modified between “mean high water” marks of the streambed.

The Corps generally takes jurisdiction within streams and rivers to the “ordinary high-water mark,” which is determined by such factors as a clear line impressed on the bank, erosion, the presence of litter or debris, and changes in vegetation. When adjacent wetlands are present, the jurisdiction extends beyond the ordinary high water mark to the limit of the adjacent wetlands.

Section 401 of the federal Clean Water Act requires that for each permit or license issued by a federal agency, the state is to provide certification that water quality standards and the use of the water will not be impaired by issuance of the federal permit. The state may grant, grant with conditions, waive, or deny certification. Most certifications are issued for a Section 404 permit, so an application for a Section 401 certification is generally filed concurrently with the Section 404 permit application (or request for coverage under a nationwide permit). The state’s Regional Water Quality Control Boards (RWQCBs) issue the certifications. The applicable RWQCB may approve the certification application, passively waive certification by taking no action (generally within 60 days, although extensions are possible), or deny the certification if it is unable to find that the project will comply with water quality standards or other applicable requirements. If the certification is denied, the USACOE cannot issue a Section 404 permit or cover the project under an existing nationwide permit.

B. CALIFORNIA FISH AND GAME CODE, SECTIONS 1601-1607

California Department of Fish And Game oversees streambeds and their associated habitats pursuant under Sections 1600 to 1607 of the California Fish and Game Code, which manages activities that would substantially change the bed, channel, or bank of any river, stream, or lake designated by the department in which there is at any time an existing fish or wildlife resource, or from which these resources derive benefit. In addition to complying with Section 404 of the Clean Water Act, any modification of streambed habitat may require a Streambed Alteration Agreement from CDFG.

3.4.3 Waters of the United States Within the Study Area

The SR-22/West Orange County Connection corridor includes overcrossings of, or is adjacent to, a number of drainages which are waters of the United States (Figure 3.4-1). Most of the storm channels crossed are concrete-lined, with no existing biological habitat.

The Los Alamitos Channel is not lined and is outside the leveed portion of the San Gabriel River. It collects flows from upstream flood-control facilities and conveys the flow directly into the Pacific Ocean.

Rock- or concrete-lined banks and a sand bottom with sparse weedy vegetation characterize the Santa Ana River at the existing SR-22 crossing. On-going drainage improvements, which include regular channel grading, limit the extent of vegetation that occurs in this area.

At the SR-22 overcrossing at Santiago Creek, portions of creek embankments are concrete-lined, although most of the embankments in this area are rock. Vegetation in the creek's primarily concrete and rubble bottom includes sycamore, eucalyptus, giant reed, fan palm, fountain grass, willows, horsetail, and myoporum (*Myoporum laetum*). Several of these are riparian species, comprising a low-quality wetland habitat. Three coast live oak trees are present adjacent to the east side of the channel north of SR-22.

Santiago Creek at the SR-55 crossing has a rock/gravel bottom with rock/vegetated embankments. Vegetation in the creek bottom east of SR-55 includes mulefat, giant reed, castor bean, fennel, eucalyptus, wild oat, and tree tobacco. West of SR-55, the Santiago Creek bottom supports primarily exotic vegetation found in adjacent neighborhoods. There is some low-quality riparian habitat present at this crossing.

The former Pacific Electric right-of-way crosses the Santa Ana River, which is concrete-lined at this location. The small amount of vegetation which occurs on this portion of the Santa Ana River is limited to ruderal and exotic species.

3.4.4 Wetlands Within the Study Area**A. LOS ALAMITOS CHANNEL**

The Los Alamitos Channel and floodplain is a semi-permanent stream that parallels I-605 and the San Gabriel River. The main streambed is fed by the Los Alamitos Channel and Rossmoor Storm Channel and consists of a series of holding basins separated by flow-through weir structures. Two smaller storm drains, the Bostonian Storm Drain and the Piedmont Storm Drain, also enter the site from the eastern embankment. In addition, a series of small concrete drainage ditches run down both the western and eastern embankments.

Water was present in the main channel over its entire length during the wetlands survey for this project. The main channel and branches support low-growing and emergent, herbaceous wetland vegetation, while the floodplain away from the main channel supports a patchy, disturbed vegetation community of forbs and grasses on a hard-packed clay surface.

Figure 3.4-1
Wetlands and Waters of the United States

The wetlands along the channel vary in width from a 0.3-meter (one-foot) wetland fringe to 15 meters (50 feet). Jurisdictional wetlands within the survey area at the Los Alamitos Channel covered 0.615 hectare (1.52 acres).

B. SANTA ANA RIVER

The Santa Ana River flows from north to south and crosses under SR-22. The river in this area is a channelized, intermittent stream and consists of a sandy, unvegetated riverbed with rock/concrete banks and sparse vegetation. There is limited vegetation along the rocky embankment and what is present consists of dried grasses and forbs. No jurisdictional wetlands were identified because the study area did not meet the wetland vegetation requirement and was not within a wetland.

The Santa Ana River at the former Pacific Electric right-of-way is concrete-lined.

C. SANTIAGO CREEK

Santiago Creek travels southwesterly and intersects SR-55 and SR-22 in the project area.

SR-22 Crossing of Santiago Creek: The creek in the vicinity of SR-22 consists of concrete and rubble with scattered vegetation consisting primarily of exotic species. A concrete parking lot covers the creekbed under and upstream of Glassell Street near SR-22. Run-off from irrigation of adjacent Hart Park was flowing down the parking lot and into the creekbed during the site investigation.

Five sample points were taken along Santiago Creek at SR-22. A total of 0.014 hectare (0.035 acre) along Santiago Creek outside the existing SR-22 right-of-way met the Corps definition of jurisdictional wetlands.

SR-55 Crossing of Santiago Creek: Santiago Creek in the vicinity of SR-55 consists of a rocky/gravel channel bed and rocky/vegetated embankments. Construction activities during the time the site was evaluated had disturbed the creek bed and banks immediately downstream from Chapman Avenue near SR-55.

Three sample points were taken along the Santiago Creek Channel at SR-55. Downstream of the construction activities, mulefat scrub extends along the sides of the creekbed. Downstream of the mulefat scrub, the banks have been disturbed from construction/improvement activities in the vicinity of the SR-55 overcrossing.

No jurisdictional wetlands were identified along Santiago Creek within or near the SR-55 crossing.